

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT COUNTY

STATE OF DELAWARE)	
)	RK08-12-0144-01
v. _____)	Murder 1 st (F)
)	RK08-12-0145-01
DAMION T. NEAL,)	Murder 2 nd (F)
(ID. No. 0811005782))	
)	
Defendant.)	

Submitted: October 7, 2013

Decided: October 9, 2013

Dennis Kelleher, Esq., and Susan G. Schmidhauser, Esq., Deputy Attorneys General, Department of Justice, for the State of Delaware.

Damion T. Neal, *Pro se*.

*Upon Consideration of Defendant's
Second Motion For Postconviction Relief
Pursuant to Superior Court Criminal Rule 61*

DENIED

YOUNG, Judge

State v. Neal
ID. No. 0811005782
October 9, 2013

ORDER

Upon consideration of the Defendant’s Motion for Postconviction Relief, the Commissioner’s Report and Recommendation and the record in this case, it appears that:

1. The Defendant, Damion T. Neal (“Neal”), pled guilty on March 10, 2010, to one count of Murder in the First Degree, 11 *Del. C.* § 636, and one count of Murder in the Second Degree, 11 *Del. C.* § 635(1), as a lesser included offense of Murder in the First Degree. The State entered a *nolle prosequis* on the remaining charges of two counts of Possession of a Firearm During the Commission of a Felony, one count of Theft of a Firearm, one count of Unauthorized Use of a Vehicle, one count of Harassment, and one count of Criminal Mischief. The Defendant was immediately sentenced in accordance with the Plea Agreement to life in prison on the Murder First Degree charge and to twenty-five years at Level V.

2. The Defendant did not appeal his conviction or sentence to the Delaware Supreme Court; instead he filed, *pro se*, the pending Motion for Postconviction Relief pursuant to Superior Court Criminal Rule 61. In his motion the defendant raises the following grounds for relief: 1) Clients reliance on Counsel; 2) Counsel coerced defendant; and 3) Ineffective assistance (duty to obtain information to craft competent advice).

3. On April 20, 2012, Neal filed an “amendment” to his Rule 61 motion. It supplements his arguments for ground 3 above. In summary, Neal asserts that his counsel did not adhere to “norms” in pretrial discovery procedure in a death penalty

State v. Neal

ID. No. 0811005782

October 9, 2013

William T. Deely, Esq.
Robert A. Harpster, Esq.
Damion T. Neal
File